

ORDINANCE 135.00
AN ORDINANCE REGULATING THE BURNING OF SOLID FUELS
IN EXTERNAL SOLID FUEL-FIRED HEATING DEVICES

THE CITY COUNCIL OF THE CITY OF KERKHOVEN, SWIFT COUNTY, MINNESOTA DOES ORDAIN:

Section 1. **Purpose.** This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Kerkhoven by regulating the air pollution and fire hazards of external solid fuel-fired heating devices.

Section 2. **Applicability.** This Ordinance applies to all outdoor fire boilers within the City of Kerkhoven.

- 2.1 This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2 This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human habitation.
- 2.3 This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- 2.4 This Ordinance does not apply to campfires; a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

Section 3. **Definitions.**

- 3.1 “External solid fuel-fired heating device” means a device designed for external solid fuel combustion so that usable heat is derived for the interior of a building and includes solid fuel-fired stove, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.
- 3.2 “Stacks or chimneys” means any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially the part of such a structure extending above a roof.
- 3.3 “Person” means an individual, partnership, corporation, company or other association.

Section 4. **Requirements.** No external solid fuel-fired heating devices designed and intended and/or used, for the purpose of heating the principal structure or another accessory structure on the premises are allowed to be installed within the City of Kerkhoven.

Section 5. **Non-Conforming Use.**

- 5.1 At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.
- 5.2 No pre-existing, non-conforming wood-burning unit or solid fuel-fired heating device shall hereafter be extended, enlarged, or expanded.

- 5.3 The lawful use of any existing wood-burning unit or solid fuel-fired heating device existing at the time of the effective date of this Ordinance may be continued, although such use may not conform to the provision of this Ordinance.

Section 6. **Enforcement.** The City Maintenance Supervisor, Zoning Administrator or other designated officials shall enforce the provisions of this Ordinance.

Section 7. **Penalty.** Any person convicted or violating a provision of this Ordinance is guilty of a petty misdemeanor and shall be punished by fine of a least \$300.00 per occurrence plus the cost of prosecution in any case.

Section 8. **Effective Date.** This Ordinance shall take effect upon its passage and publication.

This Ordinance introduced by Council member Jerry Goblirsch on December 15, 2009

This Ordinance published on December 23, 2009

Hearing Held on January 11, 2010

Ordinance Adopted on January 11, 2010

Ordinance Published on January 20, 2010

/s/ Brian Thompson, Mayor

/s/ Kim Harkema, Clerk-Treasurer